

Approved: _____ Mayor

Veto: _____

Override: _____

RESOLUTION NO. Z-42-06

WHEREAS, TRACT "N," 8TH ADDITION TO PORT CHARLOTTE SUBDIVISION

L. L. C. applied to Community Zoning Appeals Board 12 for the following:

- (1) EU-1 to EU-S

OR IN THE ALTERNATIVE TO REQUEST #1, THE FOLLOWING REQUESTS #2 - #4

- (2) To permit Parcel 1 with a lot area of 0.81 gross acre and Parcel 2 with a lot area of 0.89 gross acre (1 gross acre required for each).
- (3) To permit a single-family residence to setback 38' (50' required) from the front (north) property line on Parcel 1.
- (4) To permit the residence with a lot coverage of 18.2% (15% allowed) on Parcel 1.

AND WITH EITHER ALTERNATIVE, THE FOLLOWING REQUEST:

- (5) To permit a lot frontage of 45' (125' required).

REQUEST #5 ON PARCEL #2.

Upon demonstration that the applicable standards have been satisfied, approval of requests #2 - #5 may be considered under §33-311(A)(14) (Alternative Site Development Option) or under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

Plans are on file and may be examined in the Zoning Department entitled "Proposed Custom Homes Killian Group L. L. C.," as prepared by Design Tech International, Inc. and consisting of 11 sheets, dated stamped received 7/24/06.

SUBJECT PROPERTY: The west ½ of Tract 15, KENDALL GREEN HOME SITES, Plat book 40, Page 52, less the south 257' thereof.

LOCATION: 8390 S.W. 112 Street, Miami-Dade County, Florida, and

WHEREAS, a public hearing of Community Zoning Appeals Board 12 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and upon due and proper consideration having been given to the matter it was the opinion of Community Zoning Appeals Board 12 that

that the request for a district boundary change to EU-S (Item #1) would not be compatible with the neighborhood and area concerned and would be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be denied, and that the requests to permit Parcel 1 with a lot area of 0.81 gross acre and Parcel 2 with a lot area of 0.89 gross acre (Item #2), to permit a single-family residence to setback 38' from the front (north) property line on Parcel 1 (Item #3), to permit the residence with a lot coverage of 18.2% on Parcel 1 (Item #4), and to permit a lot frontage of 45' (Item #5), would not be compatible with the neighborhood and area concerned and would be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be denied and said application was denied by Resolution No. CZAB12-30-06, and

WHEREAS, KILLIAN GROUP L. L. C. F/K/A: TRACT "N," 8TH ADDITION TO PORT CHARLOTTE SUBDIVISION L. L. C. appealed the decision of Community Zoning Appeals Board 12 to the Board of County Commissioners for the following:

(1) EU-1 to EU-S

OR IN THE ALTERNATIVE TO REQUEST #1, THE FOLLOWING REQUESTS #2 - #4

- (2) To permit Parcel 1 with a lot area of 0.81 gross acre and Parcel 2 with a lot area of 0.89 gross acre (1 gross acre required for each).
- (3) To permit a single-family residence to setback 38' (50' required) from the front (north) property line on Parcel 1.
- (4) To permit the residence with a lot coverage of 18.2% (15% allowed) on Parcel 1.

AND WITH EITHER ALTERNATIVE, THE FOLLOWING REQUEST:

- (5) To permit a lot frontage of 45' (125' required).

REQUEST #5 ON PARCEL #2.

Upon demonstration that the applicable standards have been satisfied, approval of requests #2 - #5 may be considered under §33-311(A)(14) (Alternative Site Development Option) or under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

Plans are on file and may be examined in the Zoning Department entitled "Proposed Custom Homes Killian Group L. L. C.," as prepared by Design Tech International, Inc. and consisting of 11 sheets, dated stamped received 7/24/06.

SUBJECT PROPERTY: The west ½ of Tract 15, KENDALL GREEN HOME SITES, Plat book 40, Page 52, less the south 257' thereof.

LOCATION: 8390 S.W. 112 Street, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Board of County Commissioners was advertised and held, as required by the Zoning Procedure Ordinance, and all interested parties concerned in the matter were given an opportunity to be heard, and

WHEREAS, this Board has been advised that the subject application has been reviewed for compliance with concurrency requirements for levels of services and, at this stage of the request, the same was found to comply with the requirements, and

WHEREAS, after reviewing the record and decision of the Metropolitan Dade County Zoning Appeals Board 12 and after having given an opportunity for interested parties to be heard, it was the opinion of the Board of County Commissioners, Miami-Dade County, Florida, that that the grounds and reasons alleged by the appellants specified in the appeal were insufficient to merit a reversal of the ruling made by the Zoning Appeals Board in Resolution No. CZAB12-30-06 and that the appeal should be denied and the decision of Community Zoning Appeals Board 12 should be sustained, and

WHEREAS, upon due and proper consideration having been given to the matter it is the opinion of this Board that the requested district boundary change to EU-S would not be compatible with the neighborhood and area concerned and would be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be denied, and that the requests to permit Parcel 1 with a lot area of 0.81 gross acre and Parcel 2 with a lot area of 0.89 gross acre (Item #2), to permit a single-family residence to setback 38' from the front (north) property line on Parcel 1 (Item #3), to permit the

residence with a lot coverage of 18.2% on Parcel 1 (Item #4), to permit a lot frontage of 45' (Item #5) would not be in harmony with the general purpose and intent of the regulations and would not conform with the requirements and intent of the Zoning Procedure Ordinance, and

WHEREAS, a motion to deny the appeal without prejudice, sustain the decision of Community Zoning Appeals Board 12, and deny Items #1 through 5 without prejudice was offered by Commissioner Katy Sorenson, seconded by Commissioner Carlos A. Gimmenez, and upon a poll of the members present the vote was as follows:

Bruno A. Barreiro	absent	Dennis C. Moss	absent
Jose "Pepe" Diaz	absent	Dorrin D. Rolle	aye
Audrey M. Edmonson	aye	Natacha Seijas	aye
Carlos A. Gimmenez	aye	Katy Sorenson	aye
Sally A. Heyman	absent	Rebecca Sosa	aye
Barbara J. Jordan	absent	Sen. Javier D. Souto	absent
Chairperson Joe A. Martinez		aye	

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Miami-Dade County, Florida, that the appeal be and the same is hereby denied without prejudice and the decision of Community Zoning Appeals Board 12 is sustained.

BE IT FURTHER RESOLVED that the requested district boundary change to EU-S be and the same is hereby denied without prejudice.

BE IT FURTHER RESOLVED that the requests to permit Parcel 1 with a lot area of 0.81 gross acre and Parcel 2 with a lot area of 0.89 gross acre (Item #2), to permit a single-family residence to setback 38' from the front (north) property line on Parcel 1 (Item #3), to permit the residence with a lot coverage of 18.2% on Parcel 1 (Item #4), to permit a lot frontage of 45' (Item #5) be and the same are hereby denied without prejudice.

BE IT FURTHER RESOLVED that Resolution No. CZAB12-30-06 remains in full force and effect.

The Director is hereby authorized to make the necessary changes and notations upon the maps and records of the Miami-Dade County Department of Planning and Zoning.

THIS RESOLUTION HAS BEEN DULY PASSED AND ADOPTED this 7th day of December, 2006, and shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

No. 06-2-CZ12-2
ej

HARVEY RUVIN, Clerk
Board of County Commissioners
Miami-Dade County, Florida

By: 
Deputy Clerk

THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 11TH DAY OF DECEMBER, 2006.

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

I, Earl Jones, as Deputy Clerk for the Miami-Dade County Department of Planning and Zoning as designated by the Director of the Miami-Dade County Department of Planning and Zoning and Ex-Officio Secretary of the Board of County Commissioners of said County, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. Z-42-06 adopted by said Board of County Commissioners at its meeting held on the 7th day of December, 2006.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this the 11th day of December, 2006.



Earl Jones, Deputy Clerk (3230)
Miami-Dade County Department of Planning and Zoning

SEAL





Department of Planning and Zoning

Stephen P. Clark Center
111 NW 1st Street • Suite 1210
Miami, Florida 33128-1902
T 305-375-2800

miamidade.gov

December 12, 2006

KILLIAN GROUP L. L. C.
F/K/A: TRACT "N," 8TH ADDITION
TO PORT CHARLOTTE SUBDIVISION L. L. C.
c/o Herminio San Roman, Esq.
12515 SW 88th Street, #222
Miami, Florida 33186

Re: Hearing No. 06-2-CZ12-2
Location: 8390 S.W. 112 Street,
Miami-Dade County, Florida

Dear Applicant:

Enclosed herewith is Resolution No. Z-42-06, adopted by the Board of County Commissioners, which denied your appeal without prejudice, sustained the decision of CZAB 12, and denied your application without prejudice.

Be advised that the decision of the Board may be appealed to Circuit Court within 30 days of the date of the transmittal of the resolution to the Clerk of the County Commission. The date of transmittal is **December 11, 2006**.

Copies of any court filings concerning this matter should be served upon both my office and:

Murray A. Greenberg, County Attorney
111 N.W. 1st Street, Suite 2810
Miami, Florida 33128-1993

The County Attorney is not permitted to accept official service of process.

Sincerely,

Earl Jones
Deputy Clerk

Enclosure

ADA Coordination
Agenda Coordination
Animal Services
Art in Public Places
Audit and Management Services
Aviation
Building
Building Code Compliance
Business Development
Capital Improvements
Citizens' Independent Transportation Trust
Commission on Ethics and Public Trust
Communications
Community Action Agency
Community & Economic Development
Community Relations
Consumer Services
Corrections & Rehabilitation
Cultural Affairs
Elections
Emergency Management
Employee Relations
Empowerment Trust
Enterprise Technology Services
Environmental Resources Management
Fair Employment Practices
Finance
Fire Rescue
General Services Administration
Historic Preservation
Homeless Trust
Housing Agency
Housing Finance Authority
Human Services
Independent Review Panel
International Trade Consortium
Juvenile Services
Medical Examiner
Metro-Miami Action Plan
Metropolitan Planning Organization
Park and Recreation
Planning and Zoning
Police
Procurement Management
Property Appraisal
Public Library System
Public Works
Safe Neighborhood Parks
Seaport
Solid Waste Management
Strategic Business Management
Team Metro
Transit
Task Force on Urban Economic Revitalization
Vizcaya Museum And Gardens
Water & Sewer